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 CLERK U.S. DISTRICT COURT  
 CENTRAL DIST. C. CALIF.  
 LOS ANGELES

BY \_\_\_\_\_

Attorneys for Plaintiff VILLAGE PIZZERIA ENTERPRIZES, LLC

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

VBF  
 (RCx)

VILLAGE PIZZERIA  
 ENTERPRIZES, LLC

Plaintiff,

vs.

STEVEN M. COHEN,  
 individually and doing  
 business as VILLAGE  
 PIZZERIA

Defendants.

) Civil No. CV08-07232  
 )  
 ) COMPLAINT FOR:  
 )  
 ) 1. TRADEMARK INFRINGEMENT  
 ) (15 U.S.C § 1114)  
 ) 2. FALSE DESIGNATION OF  
 ) ORIGIN (15 U.S.C § 1125(A))  
 ) 3. FEDERAL TRADEMARK DILUTION  
 ) (15 U.S.C § 1125(C))  
 ) 4. COMMON LAW TRADEMARK  
 ) INFRINGEMENT AND UNFAIR  
 ) COMPETITION  
 ) 5. CYBERSQUATTING (15 U.S.C §  
 ) 1125(D))  
 ) 6. VIOLATION OF CAL.CIV.  
 ) CODE § 3344  
 ) 7. UNFAIR COMPETITION  
 ) (CAL. BUS. & PROF. CODE  
 ) §17200, ET SEQ.)  
 )  
 ) DEMAND FOR JURY TRIAL  
 )

COMPLAINT

1 COMES NOW Plaintiff, VILLAGE PIZZERIA ENTERPRIZES,  
2 LLC (hereafter "Plaintiff"), who demands trial by jury  
3 and complains and alleges as follows:  
4

5 **I. JURISDICTION AND VENUE**

6 1. This Court has personal jurisdiction over the  
7 Defendant because Plaintiff is informed and believes that  
8 Defendant has engaged in business activities in, and  
9 directed to, the State of California and within this  
10 judicial district, and because Defendants have knowingly  
11 committed tortious acts aimed at, and causing harm within,  
12 the State of California and this judicial district.

13 2. This Court has jurisdiction over the subject  
14 matter of this action pursuant to 15 U.S.C. § 1121, and 28  
15 U.S.C §§ 1331, 1332, 1338 and 1367. Plaintiff's claims  
16 include violations of the Lanham Act, as amended, 15  
17 U.S.C. §§ 1051-1127, et seq. This Court also has  
18 jurisdiction over the state law claims asserted herein  
19 pursuant to 28 U.S.C. §§ 1332, 1338(b) and 1367.

20 3. Venue is proper in this judicial district pursuant  
21 to 28 U.S.C. §§ 1391(b) and (c) because it is where  
22 Plaintiff is informed and believes that Defendants  
23 transact business in this district, and because a  
24 substantial portion of the events giving rise to the  
25 asserted claims have occurred, and continue to occur,  
26 within this district. Furthermore, the damages to  
27 Plaintiff, including damages to its intellectual property  
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**COMPLAINT**

1 described herein continues to occur in this judicial  
2 district.

3 **THE PARTIES**

4 4. Plaintiff VILLAGE PIZZERIA ENTERPRIZES, LLC  
5 ("Plaintiff") is a Washington limited liability company  
6 having its principal place of business in and the  
7 surrounding area of San Francisco, California.

8 5. Defendant STEVEN M. COHEN, individually and doing  
9 business as VILLAGE PIZZERIA ("Defendant"), on  
10 information and belief, resides in Los Angeles,  
11 California. More specifically, Defendant does business as  
12 Village Pizzeria. On information and belief, Defendant  
13 owns and operates Village Pizzerias located at 131 N.  
14 Larchmont Avenue, Los Angeles, California and at 6363  
15 Yucca Street, Hollywood, California.

16 **PLAINTIFF'S BUSINESS AND MARKS**

17 6. Village Pizzeria is recognized and critically  
18 acclaimed for its New York-style pizza in San Francisco,  
19 California and surrounding areas. In 1979, the first  
20 Village Pizzeria was opened in San Francisco, California.  
21 Since 1979, Plaintiff has opened five pizzeria  
22 restaurants around the San Francisco Bay Area.

23 7. Plaintiff has expended considerable time,  
24 resources and effort in promoting its "Village Pizzeria"  
25 name and mark throughout the United States and elsewhere.  
26 As a result of these efforts, Plaintiff has built  
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**COMPLAINT**

1 substantial recognition and goodwill, and has developed  
2 significant intellectual property rights in its mark for  
3 which it has issued a a registration by the United States  
4 Patent and Trademark Office ("USPTO"). See, e.g., U.S.  
5 Registration No. 3103738, attached hereto as Exhibit A.

6 8. As a consequence of the extensive advertising,  
7 promotion, and use of the mark, Plaintiff has developed  
8 enormous recognition for its services under the mark and  
9 has acquired and enjoys an immensely valuable reputation  
10 and tremendous goodwill under the mark. The mark is world  
11 renowned and "famous" for purposes of 15 U.S.C. §  
12 1125(c)(1).

13 **DEFENDANTS BUSINESS AND TRADE NAME**

14 9. Defendant, long after Plaintiff commenced use of  
15 its famous mark, and without Plaintiff's knowledge,  
16 consent, or authorization, began operating a restaurant  
17 pizza business under "Village Pizzeria," and began using  
18 the www.villagepizzeria.net domain name. A screen capture  
19 of the webpage is attached hereto as Exhibit B.

20 10. Defendant has used and continues to use  
21 Plaintiff's mark, trade name, and domain name in  
22 connection with operating its business and advertising  
23 its menu, history, locations, and other information. In  
24 addition, Defendant's website includes a special section  
25 devoted solely to appropriating as its own identity  
26 Plaintiff's history of establishing and operating Village  
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**COMPLAINT**

1 Pizzeria.

2 11. Defendant's business activities are conducted in  
3 connection with Plaintiff's mark, trade name, and domain  
4 name, and Defendant profits from, among other things,  
5 advertising revenues generated through Defendant's  
6 website, located at www.villagepizzeria.net.

7 12. Defendant's use of Plaintiff's mark, trade name,  
8 and domain name substantially incorporate Plaintiff's  
9 famous mark. Defendant's use of the "Village Pizzeria"  
10 mark, trade name, and domain name looks and sounds  
11 identical Plaintiff's famous mark. As such, Defendant's  
12 use of the "Village Pizzeria" mark, trade name, and  
13 domain name is consistently used and displayed in such a  
14 way that blatantly encroaches upon Plaintiff's mark.  
15 Significantly, Defendant's use of the mark is depicted on  
16 storefront windows, menus, and on its website with not  
17 only the same font, but the same logo as well which  
18 includes "Brooklyn to S.F. to L.A." and "Est. 1979."  
19 Photographs are attached hereto as Exhibit C.

20 13. On information and belief, Defendant capitalizes  
21 on Plaintiff's mark by virtue of search engines, such as  
22 Yahoo.com, Google.com, and Ask.com, which consumers often  
23 use to access and/or search for Village Pizzeria.  
24 Consumers who are searching for Village Pizzeria  
25 restaurants may be mislead and/or confused into believing  
26 that Defendant's website is somehow connected, associated  
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# COMPLAINT

1 with, sponsored or approved by Plaintiff.

2 14. Upon learning of Defendant's unauthorized use of  
3 Plaintiff's mark, trade name, and domain names, Plaintiff  
4 formally demanded that Defendant discontinue any use of  
5 Plaintiff's famous mark in any form. A copy of  
6 Plaintiff's May, 2007 correspondence is attached hereto  
7 as Exhibit D.

8 15. Thereafter, Plaintiff has initiated many  
9 unsuccessful attempts to resolve this dispute amicably,  
10 including contacting Defendant by telephone and mail.  
11 Nevertheless, Defendant continues to refuse to  
12 voluntarily cease and desist from its unauthorized and  
13 infringing use of Plaintiff's mark.

14 16. On information and belief, Defendant adopted  
15 Plaintiff's mark, trade name, and domain name to  
16 intentionally exploit the notoriety of Plaintiff's mark,  
17 and to trade on the goodwill, reputation, and enormous  
18 success associated with Plaintiff and the Village  
19 Pizzeria mark.

20 17. Indeed, on information and belief, Defendant has  
21 continued and has expanded its use of the mark with  
22 actual knowledge of Plaintiff and Plaintiff's use and  
23 ownership of the mark, for the purpose of intentionally  
24 and nefariously capitalizing upon Plaintiff's valuable  
25 goodwill.

26 18. The confusing similarity between Defendant's use  
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# COMPLAINT



1 of the Village Pizzeria mark and Plaintiff's mark is  
 2 likely to cause confusion as to the source of Defendant's  
 3 goods and services. Thus, Defendant has been and  
 4 currently is engaged in acts which are injurious and  
 5 deceptive to the public and which have caused Plaintiff  
 6 irreparable harm.

7 **FIRST CAUSE OF ACTION**

8 **TRADEMARK INFRINGEMENT (15 U.S.C. § 1114)**

9 19. Plaintiff realleges and incorporates the  
 10 allegations set forth in Paragraphs 1 through 18 of this  
 11 Complaint as though fully set forth in this place.

12 20. As a result of Plaintiff's extensive use and  
 13 promotion of the Village Pizzeria mark, and its  
 14 commitment to seeking federal registration and protecting  
 15 the distinctiveness of that mark, such a mark enjoys  
 16 considerable goodwill, widespread recognition, and  
 17 secondary meaning in commerce that has become associated  
 18 with Plaintiff and its goods and services.

19 21. Prior to Defendant's improper adoption and use of  
 20 the mark, trade name and domain names, Defendant either  
 21 had actual notice and knowledge, or constructive notice  
 22 (pursuant to 15 U.S.C. § 1072), of Plaintiff's ownership  
 23 and registration of the mark.

24 22. Upon information and belief, the goods and  
 25 services provided by Defendant under the Village Pizzeria  
 26 mark are identical to the goods and services provided by  
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**COMPLAINT**

1 Plaintiff under the Village Pizzeria mark, and are being  
2 offered through the same channels of trade and/or  
3 advertising and to the same consumer groups.

4 23. Plaintiff has not consented to Defendant's use of  
5 the Village Pizzeria mark.

6 24. Defendant's unauthorized use of the Village  
7 Pizzeria mark falsely indicated to consumers that  
8 Defendant's good and services are in some manner  
9 connected with, sponsored by, affiliated with, related  
10 to, or approved by Plaintiff.

11 25. Defendant's unauthorized use of the Village  
12 Pizzeria mark is likely to cause consumers to be confused  
13 as to the source, nature, and quality of the goods and  
14 services that Defendant is offering in connection with  
15 Defendant's use of the mark and trade name of Village  
16 Pizzeria.

17 26. By misleadingly diverting to Defendant's website  
18 (through use of search engines) consumers who are  
19 actually seeking to acquire information about Plaintiff's  
20 restaurants, instead find Defendant's use of the Village  
21 Pizzeria mark which is causing actual confusion, initial  
22 interest confusion, and unjust enrichment to Defendant.

23 27. Defendant's unauthorized use of the Village  
24 Pizzeria name and mark deprives Plaintiff of the ability  
25 to control consumer perception of the quality of the  
26 services marketed under Village Pizzeria mark, and  
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**COMPLAINT**



1 instead, places Plaintiff 's valuable reputation and  
2 goodwill into the hands of Defendant, over whom Plaintiff  
3 has no control.

4 28. The aforementioned acts of Defendant constitutes  
5 federal trademark infringement in violation of 15 U.S.C.  
6 § 1114.

7 29. The intentional nature of Defendant's acts makes  
8 this an exceptional case under 15 U.S.C. § 1117(a).

9 30. Plaintiff has been, is now, and will be  
10 irreparably harmed by Defendant's aforementioned acts of  
11 infringement, and unless enjoined by the Court, Defendant  
12 will continue to infringe upon the Village Pizzeria mark.  
13 There is no adequate remedy at law for the harm caused by  
14 the acts of infringement alleged herein.

15 **SECOND CAUSE OF ACTION**

16 **FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(A))**

17 31. Plaintiff realleges and incorporates the  
18 allegations set forth in Paragraphs 1 through 18 of this  
19 Complaint as though fully set forth in this place.

20 32. As a result of Plaintiff's extensive use and  
21 promotion of its Village Pizzeria mark, and its  
22 commitment to seeking federal registrations and  
23 protecting the distinctiveness of that mark, the mark  
24 enjoys considerable goodwill, widespread recognition, and  
25 secondary meaning in commerce as associated with  
26 Plaintiff as well as Plaintiff's goods and services.

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28 **COMPLAINT**

1           33. Defendant's unauthorized use of the Village  
2 Pizzeria mark, as alleged herein, constitutes false  
3 designation of the origin of its goods and/or services in  
4 violation of Section 43(a) of the Lanham Act, 15 U.S.C. §  
5 1125(a).

6           34. The intentional nature of the Defendant's  
7 aforementioned acts makes this an exceptional case  
8 pursuant to 15 U.S.C. § 1117.

9           35. Plaintiff has been, is now, and will be  
10 irreparably harmed by Defendant's aforementioned acts of  
11 infringement, and unless enjoined by the Court, Defendant  
12 will continue to infringe upon the Village Pizzeria mark.  
13 There is no adequate remedy at law for the harm caused by  
14 the acts of infringement alleged herein.

15                           **THIRD CAUSE OF ACTION**

16                   **FEDERAL TRADEMARK DILUTION (15 U.S.C. § 1125(C))**

17           36. Plaintiff realleges and incorporates the  
18 allegations set forth in Paragraphs 1 through 18 of this  
19 Complaint as though fully set forth in this place.

20           37. The Village Pizzeria mark is nationally  
21 renowned. It is a famous mark that is widely recognized  
22 by consumers, business and industries, and the mark  
23 identifies the goods and services of Plaintiff in the  
24 minds of consumers.

25           38. Defendant's unauthorized use of the Village  
26 Pizzeria mark began after this mark had become famous.

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28                           **COMPLAINT**

1           39. Defendant's unauthorized use of the trade name  
2 and service mark that so prominently incorporates the  
3 Village Pizzeria mark effectively blurs and whittles away  
4 at the identity-evoking quality of the mark, which  
5 consumers associate with Plaintiff's goods and services.

6           40. Defendant's unauthorized use of the Village  
7 Pizzeria mark as a key component of its trade name and  
8 domain name is likely to have, has and will continue to  
9 have an adverse effect upon the distinctive quality of  
10 the Village Pizzeria mark.

11           41. Defendant's acts constitute trademark dilution  
12 in violation of the Federal Trademark Dilution Act of  
13 1955 (15 U.S.C. § 1125(c)).

14                   **FOURTH CAUSE OF ACTION**

15           **COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION**

16           42. Plaintiff realleges and incorporates the  
17 allegations set forth in Paragraphs 1 through 18 of this  
18 Complaint as though fully set forth in this place.

19           43. Defendant's conduct constitutes deception, by  
20 means of which their goods and services have been palmed  
21 off as those of Plaintiff. Such conduct constitutes  
22 trademark infringement and unfair competition in  
23 violation of the common law of the State of California.

24           44. Plaintiff has used its distinctive Village  
25 Pizzeria mark in connection with its New York-style pizza  
26 since 1979 respectively. By reason of Plaintiff's  
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**COMPLAINT**

1 longstanding and extensive use, the Village Pizzeria mark  
2 has become uniquely associated with Plaintiff and  
3 identifies Plaintiff as the source of those goods and  
4 services.

5 45. Defendant's unauthorized use of the Village  
6 Pizzeria mark is likely to cause confusion or mistake, or  
7 is likely to deceive customers, consumers, the general  
8 public, and the trade as to affiliation, connection, or  
9 association between Plaintiff and Defendant, and as to  
10 the origin, sponsorship, or other association of  
11 Plaintiff's services and services offered by Defendant.

12 46. By reason of the foregoing, Defendant has  
13 infringed and continues to infringe on Plaintiff's common  
14 law rights in and to its Village Pizzeria mark.

15 47. Defendant's unlawful conduct has been continues  
16 to be willful or willfully blind, and knowing or with  
17 reason to know.

18 48. Plaintiff has been and will continue to be  
19 irreparably harmed by Defendant's aforementioned acts of  
20 trademark infringement and unfair competition, and unless  
21 enjoined by the Court, Defendant's wrongful acts will  
22 continue. There is no adequate remedy at law for the harm  
23 caused by the acts of infringement and unfair competition  
24 alleged herein.

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**COMPLAINT**

**FIFTH CAUSE OF ACTION**

**CYPERSQUATTING (15 U.S.C. § 1125(D))**

49. Plaintiff realleges and incorporates the allegations set forth in Paragraphs 1 through 18 of this Complaint as though fully set forth in this place.

50. The Village Pizzeria mark was distinctive at the time Defendant registered the infringing domain name www.villagepizzeria.net, as set forth in Exhibit A, and the mark remains distinctive today.

51. The infringing domain name is identical and confusingly similar to the Village Pizzeria mark at the time Defendant registered the infringing domain names, and remain identical and confusingly similar today.

52. Defendant registered, used, and continues to use the infringing domain name with bad faith intent to divert consumers from Plaintiff's business and to profit from the recognition and goodwill associated with Plaintiff's mark.

53. Defendant's registration and use of the infringing domain name caused and will continue to cause damage to Plaintiff, in an amount to be proven at trial.

54. In addition, Defendant's registration and use of the infringing domain name is causing irreparable harm to Plaintiff for which there is no adequate remedy at law.

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**COMPLAINT**

**SIXTH CAUSE OF ACTION**

**VIOLATION OF CAL. CIV. CODE § 3344**

55. Plaintiff realleges and incorporates the allegations set forth in Paragraphs 1 through 18 of this Complaint as though fully set forth in this place.

56. Plaintiff has the exclusive right to use its name and likeness for commercial purposes.

57. Defendant violated Plaintiff's exclusive right to use its name and likeness for commercial purposes by knowingly using Plaintiff's likeness at the time Defendant opened two Village Pizzeria restaurants at the aforementioned location in Los Angeles, California, as well as when Defendant registered the infringing domain name www.villagepizzeria.net, as set forth in Exhibit A, without the or consent of Plaintiff. Defendant's use of the Village Pizzeria mark and Plaintiff's likeness has been and continues to be in a commercial product or to sell a commercial product.

58. The foregoing action constitute a violation of California Civil Code § 3344.

59. As a direct and proximate result of Defendant's above described wrongful conduct, Plaintiff has suffered damages in an amount to be proven at trial.

60. The above-described acts of Defendant have caused and are continuing to cause irreparable injury to Plaintiff, for which Plaintiff has no adequate remedy at

**COMPLAINT**



1 law, and Defendant will continue to do so unless enjoined  
2 by this Court.

3 **SEVENTH CAUSE OF ACTION**

4 **UNFAIR COMPETITION (CAL.BUS.&PROF.CODE § 17200,et seq.)**

5 61. Plaintiff realleges in Paragraphs 1 through 60  
6 of this Complaint.

7 62. Defendant's acts described above constitute  
8 unfair competition in violation of California Business  
9 and Professional Code § 17200,et seq.

10 63. Defendant's acts of unfair competition have  
11 cause and will continue to cause Plaintiff irreparable  
12 harm. Plaintiff has no adequate remedy at law for  
13 Defendant's acts of unfair competition alleged herein.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff respectfully prays for relief as  
16 follows:

17 1. Entry of an order and judgment requiring that  
18 Defendant, their officers, agents, servants, employees,  
19 owners, and representatives, and all other persons or  
20 entities in active concert or participation with them, be  
21 preliminarily and, thereafter, permanently enjoined and  
22 restrained from (a) using in any manner the Village  
23 Pizzeria mark, or any name or mark that wholly  
24 incorporates the Village Pizzeria mark or is confusingly  
25 similar to or a colorable imitation of the mark,  
26 including, without limitation, the Village Pizzeria names  
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**COMPLAINT**

1 and mark; and (b) doing any act or thing calculated or  
2 likely to cause confusion or mistake in the minds of  
3 members of the public, or prospective customers of  
4 Plaintiff's services, as to the source of the services  
5 offered, distributed or marketed by Defendant, or likely  
6 to deceive members of the public, or prospective  
7 customers into believing that there is some connection  
8 between Defendant and Plaintiff;

9       2. A judgment ordering Defendant, pursuant to 15  
10 U.S.C. § 1116(a), to file with this Court and serve upon  
11 Plaintiff within thirty (30) days after entry of the  
12 injunction, a report in writing under oath setting forth  
13 in detail the manner and form in Defendant has complied  
14 with the injunction and implemented adequate and  
15 effective means to either discontinue doing business  
16 and/or discontinue offering or marketing goods and  
17 services bearing the Village Pizzeria mark and trade  
18 name.

19       3. A judgment ordering Defendant, pursuant to 15  
20 U.S.C. § 1118, to deliver for destruction, or to show  
21 proof of said destruction or sufficient modification to  
22 eliminate all articles, packages, wrappers, products,  
23 displays, labels, signs, packaging, letterheads, business  
24 cards, literature, materials, receptacles, and any other  
25 matter in the possession, custody, or under the control  
26 of Defendant or its agents or distributors bearing the  
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# COMPLAINT

1 Village Pizzeria mark in any form or manner whatsoever,  
2 or any mark that is confusingly similar to or a colorable  
3 imitation of the mark(including, without limitation, the  
4 Village Pizzeria mark), both alone and in combination  
5 with other words or terms;

6 4. A judgment ordering Defendant, pursuant to 15  
7 U.S.C. § 1118, to delete any and all information and/or  
8 computer files bearing any form of the Village Pizzeria  
9 mark, both alone and in combination with other words or  
10 terms, including but not limited to any text and/or  
11 images that are hosted on the Defendant's website or any  
12 of the Defendant's computers or other storage media;

13 5. A judgment ordering the cancellation or transfer  
14 to Plaintiff of the infringing domain name  
15 www.villagepizzeria.net, as set forth in Exhibit A, along  
16 with any other domain names registered by Defendant that  
17 are compromised, in whole or in part, of Village  
18 Pizzeria, or any other term that is confusingly similar  
19 thereto:

20 6. A judgment that Plaintiff be awarded three (3)  
21 times Defendant's profits or actual damages to Plaintiff  
22 from Defendant's use of the Village Pizzeria mark,  
23 together with Plaintiff's reasonable attorney's fees and  
24 costs, pursuant to California Civil Code § 3344 and 15  
25 U.S.C. § 1117(a) and (b);

26 7. A judgment awarding Plaintiff up to \$100,000 per  
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**COMPLAINT**

1 domain name for Defendant's violation of 15 U.S.C. §  
2 1125(d)(1), pursuant to 15 U.S.C. § 1117(d);

3 8. A judgment in connection with the asserted  
4 common law claims and/or otherwise permitted by law,  
5 including but not limited to an award of compensatory  
6 and/or punitive damages in favor of Plaintiff in an  
7 amount to be determined;

8 9. A judgment declaring that Defendant may not use  
9 or register, in any manner, Village Pizzeria, or any  
10 other name or mark that incorporates, constitutes a  
11 colorable imitation of, or is confusingly similar to, the  
12 Village Pizzeria mark; and

13 10. A judgment granting Plaintiff such other and  
14 further relief as this Court deems just and proper.

15 DATED: August 20, 2007

LOEB, KOSACZ & SUNDBERG, LLP

16  
17 By: 

18 R. Christopher Chatham, Esq.  
19 Attorneys for Plaintiff,  
20 VILLAGE PIZZERIA ENTERPRIZES,  
21 LLC  
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COMPLAINT

EXHIBIT "A"

# REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

## Requirements in the First Ten Years\*

### What and When to File:

- First Filing: A Declaration of Continued Use (or Excusable Non-use), filed between the 5th and 6th years after the registration date. (See 15 U.S.C. §1058; 37 C.F.R. §2.161.)
- Second Filing: A Declaration of Continued Use (or Excusable Non-use) and an Application for Renewal, filed between the 9th and 10th years after the registration date. (See 15 U.S.C. §1058 and §1059; 37 C.F.R. §2.161 and 2.183.)

## Requirements in Successive Ten-Year Periods\*

### What and When to File:

- A Declaration of Continued Use (or Excusable Non-use) and an Application for Renewal, filed between each 9th and 10th-year period after the date when the first ten-year period ends. (See 15 U.S.C. §1058 and §1059; 37 C.F.R. §2.161 and 2.183.)

## Grace Period Filings\*

There is a six-month grace period for filing the documents listed above, with payment of an additional fee.

The U.S. Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements. Therefore, you should contact the USPTO approximately one year prior to the deadlines set forth above to determine the requirements and fees for submission of the required filings.

**NOTE:** Electronic forms for the above documents, as well as information regarding current filing requirements and fees, are available online at the USPTO web site:

[www.uspto.gov](http://www.uspto.gov)

**YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT  
FILE THE DOCUMENTS IDENTIFIED ABOVE DURING THE  
SPECIFIED TIME PERIODS.**

## \*Exception for the Extensions of Protection under the Madrid Protocol:

The holder of an international registration with an extension of protection to the United States must file, under slightly different time periods, a Declaration of Continued Use (or Excusable Non-use) at the USPTO. See 15 U.S.C. §1141k; 37 C.F.R. §7.36. The renewal of an international registration, however, must be filed at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol. See 15 U.S.C. §1141j; 37 C.F.R. §7.41.

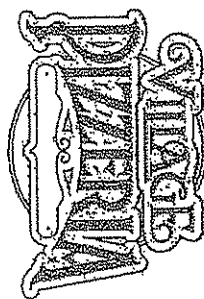
Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,103,738  
Registered June 13, 2006

TRADEMARK  
PRINCIPAL REGISTER



VILLAGE PIZZERIA ENTERPRISES, LLC (WA-  
SHINGTON LTD LAB CO)  
85 SARATOGA CREEK  
P.O. BOX 218  
LANGLEY, WA 98260

FOR PIZZA, PIZZA CRUST, PIZZA SAUCE, SAL-  
AD DRESSING, IN CLASS 30 (U.S. CL. 46).

FIRST US 9-23-1984; IN COMMERCE 9-23-1984.

OWNER OF U.S. REG. NO. 3,027,935.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "PIZZERIA", APART FROM THE  
MARK AS SHOWN.

THE COLOR(S) RED, GREEN, YELLOW AND  
WHITE IS/ARE CLAIMED AS A FEATURE OF THE  
MARK.

SEC. 20P)

SER. NO. 78-640,742, FILED 6-13-2001.

BARNET CHARLTON, EXAMINING ATTORNEY

THE COLOR RED APPEARS IN THE WORDS  
VILLAGE AND PIZZERIA. THE COLOR GREEN  
APPEARS AS THE OUTLINE OF THE WORDING,  
AND AS OUTLINE ON THE DESIGN AND THE  
CIRCULAR DESIGN CARRIER. THE COLOR YEL-  
LOW APPEARS IN THE CIRCULAR DESIGN CAR-  
RIER. THE COLOR WHITE APPEARS AS BOLDING  
AROUND THE MARKS WORDING.



The United States of America



CERTIFICATE OF REGISTRATION  
PRINCIPAL REGISTER

*The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.*

*The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.*

*A copy of the Mark and pertinent data from the application are part of this certificate.*

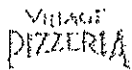
*To avoid CANCELLATION of the registration, the owner of the registration must submit a declaration of continued use or excusable non-use between the fifth and sixth years after the registration date. (See next page for more information.) Assuming such a declaration is properly filed, the registration will remain in force for ten (10) years, unless terminated by an order of the Commissioner for Trademarks or a federal court. (See next page for information on maintenance requirements for successive ten-year periods.)*



*Jon W. I. Dudas*

Director of the United States Patent and Trademark Office

EXHIBIT "B"



Our Menu

Our History

Information

Catering

Home

### Our History

#### The Brooklyn Pizza That Moved West!

When the original owner moved to San Francisco in the early 1970's, the only thing he missed was his favorite the hearty, zesty meal of his childhood made San Francisco's Pizza seem pale in comparison. In search of the ta in 1979 he and his partner opened the first Village Pizzeria. They believed they could combine Brooklyn flavor fresh and produce a truly great pizza.



It worked - a uniquely San Francisco experience was born . . . just around the time I came out west from Brool New York. It was a "Score" (To Say the Least) to find Village - Steiner Street almost immediately - "Pale by C. nicely put to describe the others. 15 years later, I've got the opportunity to keep their original experience



Then while on vacation here in Los Angeles, during the summer of '96 an empty store on Larchmont called ou first L.A. location went from idea to reality! "Thanks L.A.!"

California "Fresh" means just that - no additives - fresh. The dough for the pizza crust is prepared daily using allowed to "proof" (rise). the resulting shell is a true baker's crust. Village Pizzeria uses the best Wisconsin available. To insure the quality and freshness of the toppings, we make our own sausage, meatballs, marinara crushed garlic and clam mixture and pesto according to specific "special" house recipes. We only use fresh

This is absolutely one of the very best pizzas anywhere.

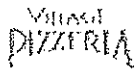
The proof of the pizza is in the eating.

Join us, make yourself comfortable and enjoy!

When you want a quick party to celebrate an unexpected triumph, we deliver. Village Pizzeria's pizzas are hot, or come in and enjoy our dining room facility including our front patio.

village Pizzeria Home

Page 1 of 2



[Our Menu](#)

[Our History](#)

[Information](#)

[Catering](#)

[Home](#)

## Welcome to Village Pizzeria

Brooklyn to S.F. to L.A

Free Delivery

131 N. Larchmont @ Beverly Blvd. Phone: 323-465-5566 Fax:  
323-465-7633 6363

yucca st @ Ivar Phone: 323-790-0763 fax: 323-790-0769

Items and prices subject to change without notice.

### TO OUR CUSTOMERS:

*Our brand new location at Yucca is "to go " with seating. We do not have free delivery right now due to parking lilitations in hollywood. This will be an on going dilemma while we will work on it with the counci D.O.T. In the mean time refer to "CURB SIDE DELIVERY." We will expedite the order while you double no parking when you come. Just have your cell phone and call!!!*

*In addition, please note that there are some menu changes between our two locations. We are working on website menus to reflect these changes.*

*Keep in touch !!! Thank you for your understanding.*

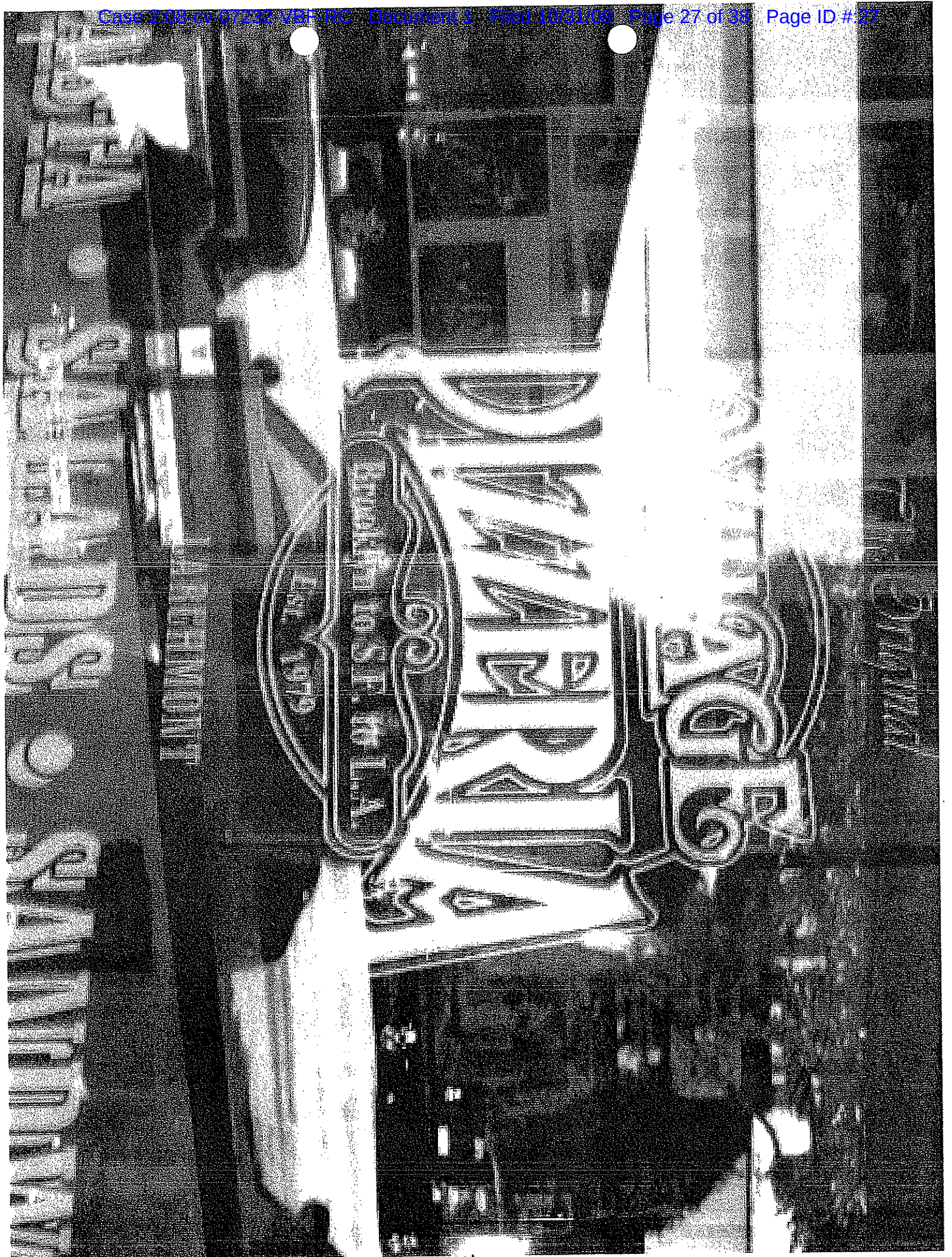
village Pizzeria Home

Page 2 of 2

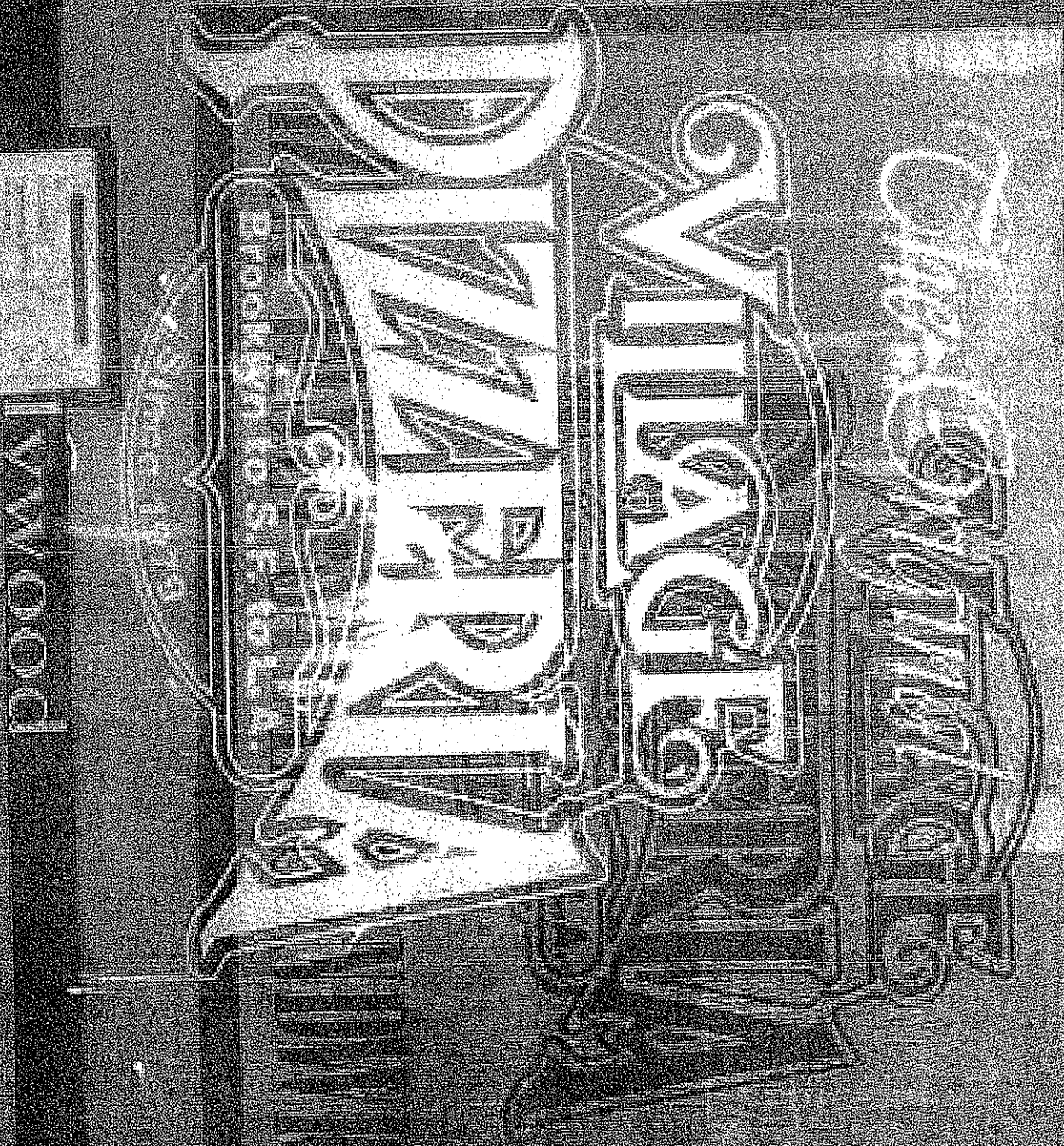


**EXHIBIT "C"**

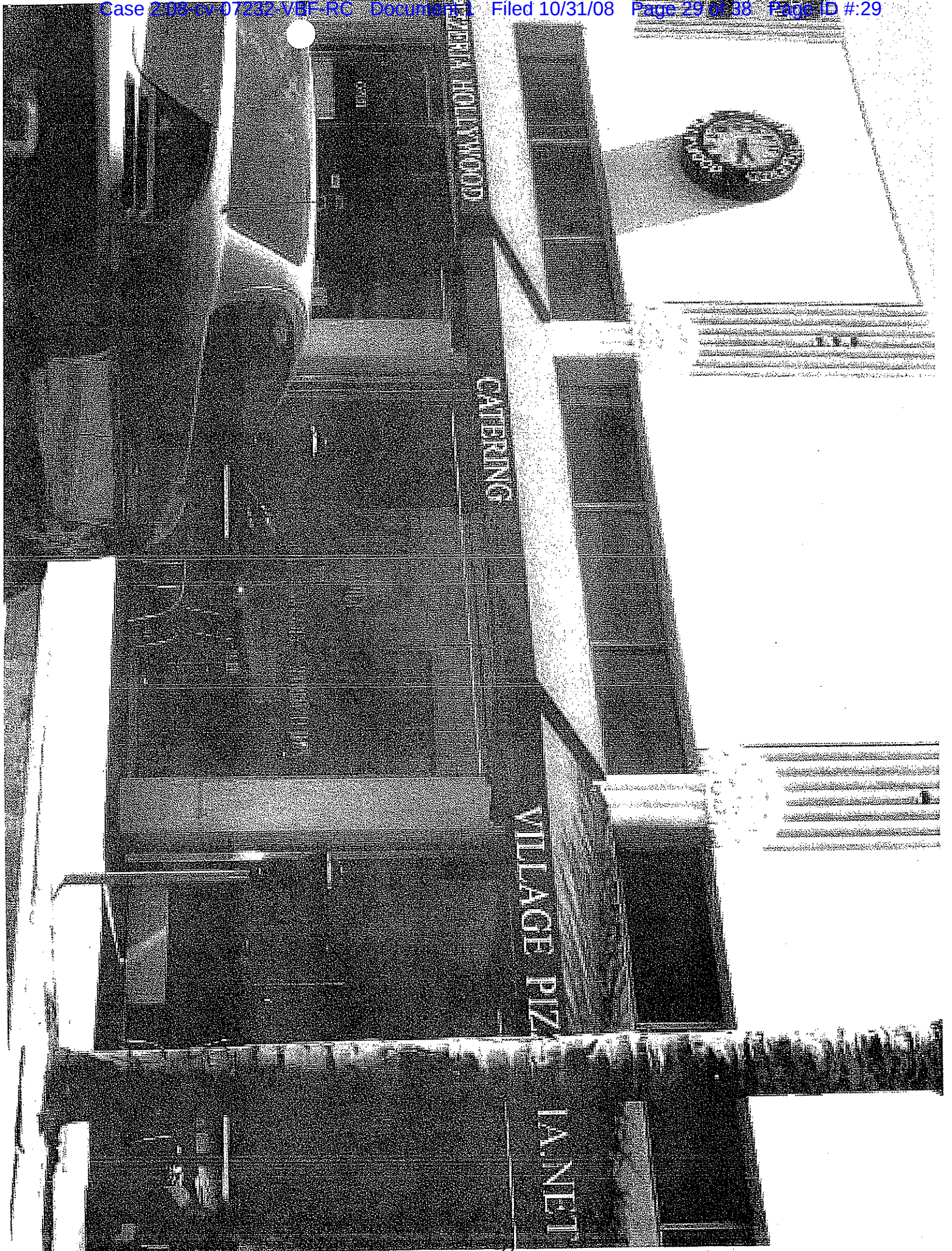








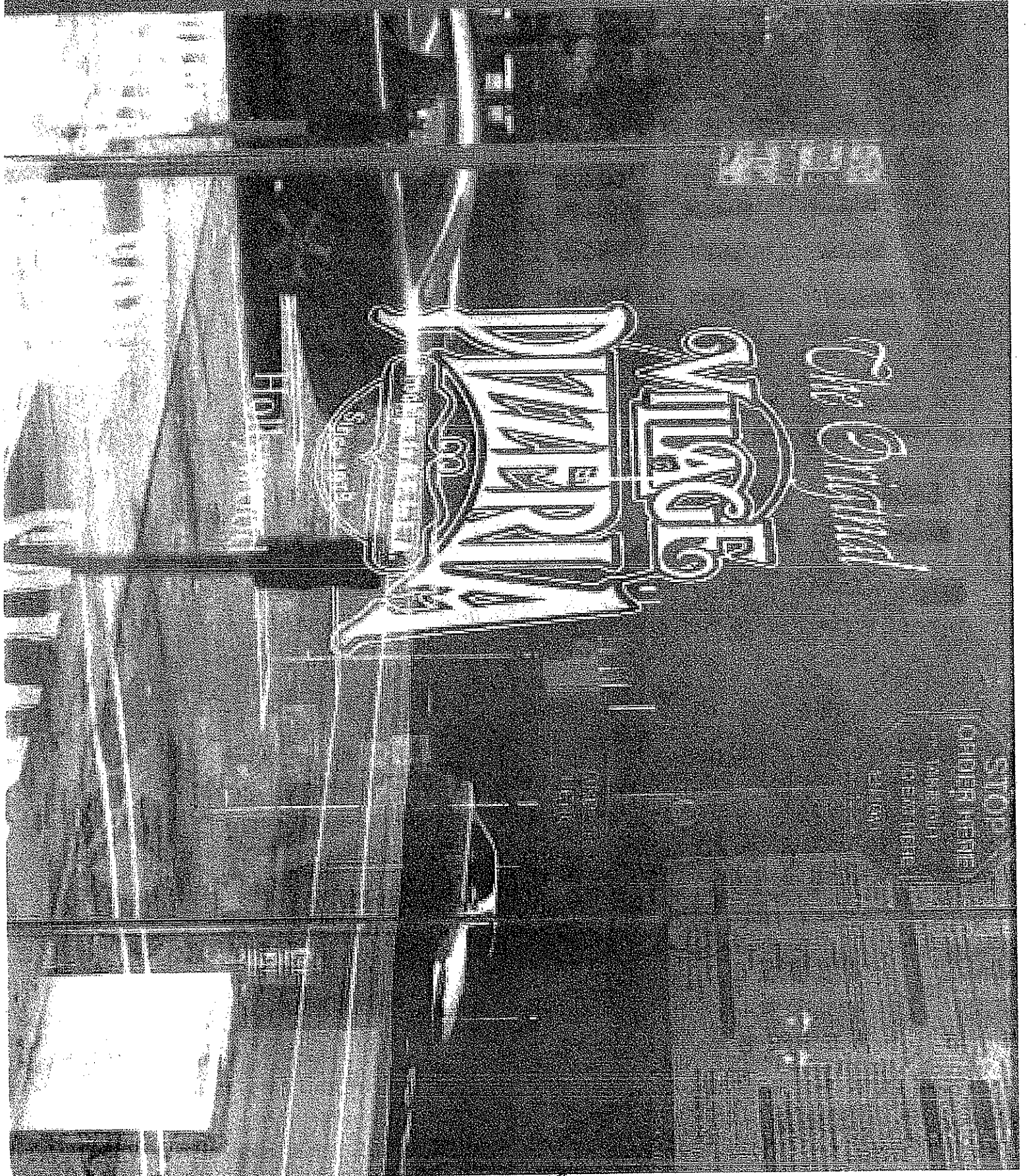














**EXHIBIT "D"**



5-18-07 Trademark Infringement/Licensing Option 1

RE: Trademark Infringement

Dear Sir or Madam:

I am the managing member of Village Pizzeria Enterprises, LLC. My company holds the trademark rights to the mark "Village Pizzeria."

It has come to our attention that you are using the mark "Village Pizzeria" as a business name, trademark, tradename, domain name, and/or service mark. As we own trademark rights to the mark, Village Pizzeria®, we hold "the exclusive right to use the mark on or in connection with the goods and services specified ...." (§33 (15 U.S.C. §1115). Village Pizzeria® sees your use of this mark as potential "confusion in the marketplace," a detriment to the customers of Village Pizzeria® who have come to expect a high quality product from Village Pizzeria®, and it is an infringement of our rights as owner of the mark under the United States Patent and Trademark law.

To protect my mark from confusion in the marketplace, and/or dilution of the mark, rather than send you a cease and desist letter, I prefer to offer you the opportunity to join me in a Licensing Agreement. This licensing agreement would give you the benefit of continuing your business under the same name so as not to disrupt your business or cause you a loss in profits. The Licensing Agreement will also allow you to offer your customers high-quality products that are made with exceptional ingredients.

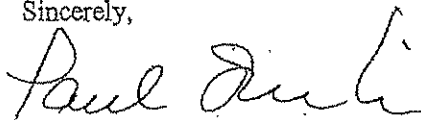
At the same time, you'll learn of timesaving production methods and other ways to raise your profits on Village Pizzeria® products. This Licensing Agreement will cause no interference in your business nor loss of profits because you needed to change your business name.

My customers associate the name "Village Pizzeria®" with a high quality product each and every time they place an order with me. Experience among trademark lawyers has shown "that generally trademarks, when used in ... logos that are displayed ... establish in the minds of consumers strong associations between products, services and companies." A trademarked product makes it easier for consumers to quickly identify the source of a given good.

My goal is to ensure that Village Pizzeria® customers who visit Village Pizzeria® are getting the same high quality, reliable product whenever and wherever that Village Pizzeria® may be located.

I need to hear from you by June \_\_\_\_\_. You may reach me at 360-221-3363 or at the above noted address.

Sincerely,



Paul Sarkis, Managing Member

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Valerie Baker Fairbank and the assigned discovery Magistrate Judge is Rosalyn M. Chapman.

The case number on all documents filed with the Court should read as follows:

**CV08- 7232 VBF (RCx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :  
**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Lane E. Bender, Esq. (State Bar No. 176057)  
 R. Christopher Chatham, Esq. (State Bar No. 240972)  
 LOEB, KOSACZ & SUNDBERG, LLP  
 2801 Townsgate Road  
 Suite 210  
 Westlake Village, CA 91361

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

VILLAGE PIZZERIA ENTERPRIZES, LLC

PLAINTIFF(S)

v.

STEPHEN M. COHEN, individually and doing  
 business as VILLAGE PIZZERIA; DOES 1-10

DEFENDANT(S).

CASE NUMBER

CV08-07232

VBF (RCx)

SUMMONS

TO: DEFENDANT(S): STEPHEN M. COHEN, individually and doing business as VILLAGE PIZZERIA

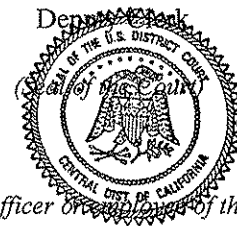
A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, LOEB, KOSACZ & SUNDBERG, LL, whose address is 2801 Townsgate Road Suite 210 Westlake Village, CA 91361. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: OCT 31 2008

By: NATALIE LONGORIA



1198

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)  
**VILLAGE PIZZERIA ENTERPRIZES, LLC**

**DEFENDANTS**  
**STEVEN M. COHEN, individually and doing business as**  
**VILLAGE PIZZERIA**

**(b)** County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

**(c)** Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

R. Christopher Chatham, Esq. (State Bar No. 240972)  
 LOEB, KOSACZ & SUNDBERG, LL  
 2801 Townsgate Road, Suite 210  
 Westlake Village, CA 91361  
 Telephone: (805) 777-7240  
 Fax: (805) 778-9139

Attorneys (If Known)

Philip D. Weiss, Esq.  
 AGAJANIAN, MCFALL, WEISS, TETREAULT  
 346 N. Larchmont Blvd.  
 Los Angeles, CA 90004-3012  
 Telephone: (323)993-0198  
 Fax: (323)999-9509

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question  
 (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of  
 Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** - For Diversity Cases Only

(Place an X in one box for plaintiff and one for defendant.)

- |  |                                       |                                       |  |                            |                            |
|--|---------------------------------------|---------------------------------------|--|----------------------------|----------------------------|
|  | PTF                                   | DEF                                   |  | PTF                        | DEF                        |
| Citizen of This State                      | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place<br>of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                   | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place<br>of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a<br>Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No

☐ **MONEY DEMANDED IN COMPLAINT: \$** \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); Federal Trademark Dilution Act of 1955 (15 U.S.C. § 1125(c); 15 U.S.C. § 1114; Defendant wrongfully adopted Plaintiff's mark, trade name, and domain name to intentionally exploit the notoriety of Plaintiff's mark, and to trade on the goodwill, reputation, and enormous success associated with Plaintiff's mark

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litig.
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<b>FORFEITURE/PENALTY</b>	<b>PROPERTY RIGHTS</b>
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 610 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 620 Other Food & Drug	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 630 Liquor Laws	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	<b>REAL PROPERTY</b>	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation		<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure		<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment		<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

**VIII(a). IDENTICAL CASES:** Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

**FOR OFFICE USE ONLY:** Case Number: **CV08-07232**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**VIII(b). RELATED CASES:** Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

LOS ANGELES, CALIFORNIA AND WASHINGTON

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

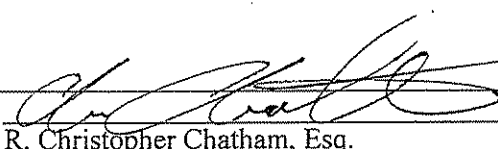
LOS ANGELES, CALIFORNIA AND WASHINGTON

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

**Note:** In land condemnation cases, use the location of the tract of land involved.

LOS ANGELES, CALIFORNIA

**X. SIGNATURE OF ATTORNEY (OR PRO PER):**

  
R. Christopher Chatham, Esq.

Date 10/31/08

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM**  
 Authority for Civil Cover Sheet

The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **PLAINTIFFS - DEFENDANTS.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a Government Agency use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official giving both name and title.
- (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: in land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) **Attorneys.** Enter firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section ("see attachment"). Refer to Local Rules 83-2.7 and 41-6 for further information regarding change of attorney name, address, firm association, phone number, fax number or e-mail address, and dismissal of action for failure of pro se plaintiff to keep Court apprised of current address.
- II. **JURISDICTION.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdiction be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 

United States Plaintiff. (1) Jurisdiction is based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States Defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal Question. (3) This refers to suits under 28 U.S.C. 1331 where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, and act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code take precedence and box 1 or 2 should be marked.

Diversity of Citizenship. (4) This refers to suits under 28 U.S.C. 1332 where parties are citizens of different states. When box 4 is checked, the citizenship of the different parties must be checked. (See Section III below) (Federal question actions take precedence over diversity cases.)
- III. **RESIDENCE (CITIZENSHIP) OF PRINCIPAL PARTIES.** This section of the CV-71 (JS-44) is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **ORIGIN.** Place an "X" in one of the seven boxes:
  - (1) Original Proceedings. Cases which originate in the United States District Courts.
  - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. Section 1441. When the petition for removal is granted, check this box.
  - (3) Remanded from Appellate court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) Transferred from Another District. For cases transferred under Title 28 U.S.C. Section 1404(a). DO NOT use this for within-district transfers or multidistrict litigation transfers. When this box is checked, DO NOT check (6) below.
  - (6) Multidistrict Litigation. Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, DO NOT check (5) above.
  - (7) Appeal to District Judge from Magistrate Judge Judgment. Check this box for an appeal from a magistrate judge's decision.
- V. **REQUESTED IN COMPLAINT.**

*Class Action.* Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

*Demand.* In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

*Jury Demand.* Check the appropriate box to indicate whether or not a jury is being demanded.
- VI. **CAUSE OF ACTION.** Report the civil statute directly related to the cause of action and give a brief description of the cause of action. Do not cite jurisdictional statutes unless diversity.
 

Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service
- VII. **NATURE OF SUIT.** Place an "X" in the appropriate box. MARK ONE BOX ONLY. If the cause of action fits more than one nature of suit, select the one that best describes your cause of action.
- VIII(a) **IDENTICAL CASES.** Indicate if an identical action has previously been filed and dismissed, remanded or closed. Insert the docket number and judge's name, if applicable.
- VIII(b) **RELATED CASES.** This section of the CV-71 (JS-44) is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge's name for each case. Check all boxes that apply.
- IX. **VENUE.** This section of the CV-71 (JS-44) is used to identify the correct division in which the case will be filed. Please remember to indicate the residence of EACH plaintiff and defendant and the county or state in which each claim arose.
 

If the United States government or an agency thereof is a plaintiff or defendant, place an "X" in the appropriate box. Indicate the residence of other parties, if any.

In each category: for each party and claim, indicate the county, if in California. If other than California, you need only to list the state or country.
- X. **Attorney or party appearing pro per must sign and date this form.**